

REMARKS

This is a supplemental response to the outstanding non-final Office Action mailed July 6, 2004. Upon entry of the amendments in this response, claims 1 - 23, 28 - 49, and 52 - 72 remain pending. More specifically Applicants add new claims 71 and 72, amend claims 1, 29, 31, 47 - 49, and 52 - 55, and cancel claims 24, 26, 27, 50, and 51 without prejudice, waiver, or disclaimer. Applicants reserve the right to pursue the subject matter of these canceled claims in a divisional application, if Applicants so choose, and do not intend to dedicate the withdrawn subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested. In addition, Applicants do not intend to make any admissions regarding any other statements in the Office Action that are not explicitly referenced in this response.

EXAMINER INTERVIEW

Applicants wish to express his sincere appreciation for the time that Examiner Peikari spent with Applicants' Attorney, Jeffrey Kuester during a telephone discussion on regarding the outstanding Office Action. During that conversation, Examiner Peikari seemed to indicate that it would be potentially beneficial for Applicants to make amendments contained herein. Examiner Peikari had an additional telephone discussion with Applicants' Attorney on February 8, 2005 to further discuss potentially beneficial amendments, which are also contained herein, as well as request a clarification that is included below. Thus, Applicants respectfully request that Examiner Peikari carefully consider this response and the recited amendments.

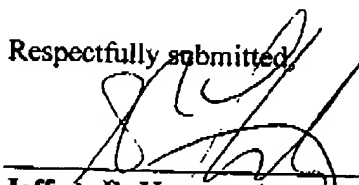
CLARIFICATION

Applicants submit that, "data throughput rate" and "available bandwidth" are distinct terms. In one example, "throughput rate" relates to an amount of data transmitted during a time interval, which is different from an amount of bandwidth that is merely available to a user. Thus, in one sense, "data throughput rate" could be considered a measure of consumed bandwidth, which further clarifies one distinction.

CONCLUSION

This is a supplemental response to the outstanding non-final Office Action mailed July 6, 2004. Upon entry of the amendments in this response, claims 1 – 23, 28 – 49, and 52 – 72 remain pending. Reconsideration and allowance of the application and presently pending claims are respectfully requested. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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